

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Subsections 4.15 and 5.25, and Add Section 5.26, Title 14, CCR
Re: Salton Sea Sport Fishing Regulations

- I. Date of Initial Statement of Reasons: June 23, 2004
- II. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: June 24, 2004
Location: Crescent City
 - (b) Discussion/Adoption Hearing: Date: August 27, 2004
Location: Morro Bay
- III. Description of Regulatory Action:
 - (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Currently sport fisheries in the Salton Sea (Imperial County) include: Gulf croaker (*Bairdiella icistia*), orangemouth corvina (*Cynoscion xanthulus*), and sargo (*Anisotremus davidsoni*). Current angling regulations for the Salton Sea include a daily bag limit of five corvina, with an 18-inch minimum size limit, and no daily bag or size limits for croaker and sargo. Current regulations also allow Gulf croaker (*Bairdiella*) and sargo to be used as bait in the Colorado River District.

Because of declining populations of corvina, croaker and sargo, the Department is proposing to limit the sport harvest of corvina to two per day, and limit the harvest of croaker and sargo to six of each species per day. Possession limits for all species are proposed to include two daily bag limits. The proposed action is requested to prevent significant sport harvest from jeopardizing current and planned restoration activities for the Salton Sea and its sport fisheries while continuing to provide angling opportunities.

In addition, the Department is proposing to eliminate the use of Gulf croaker (*Bairdiella*) and sargo as an authorized bait species in the Colorado River District.

There has been a popular and productive sport fishery for corvina, croaker, sargo and tilapia in the Salton Sea for the last several decades. Fish populations in the highly eutrophic Salton Sea have always been subject to relatively large population fluctuations, resulting in occasional fish die-offs, and at other times providing remarkable angling opportunities. Recently, Department biologists have observed population declines of corvina, croaker and sargo on a scale not previously documented

at the Sea which are of serious concern. Croaker, corvina, and sargo population levels are so low they cannot be effectively detected by conventional means such as gill-netting.

Angling pressure is not suspected as the cause of the population declines; a suite of water quality issues are the likely reasons. These issues are being vigorously addressed, as part of the Resources Agency's legislative mandate (Salton Sea Restoration Act, 2003) to restore the Salton Sea. However, current conditions have reduced fish numbers to such an extent that the remaining fish are more vulnerable than in the past to the effects of harvest by anglers. Although low in number, the status of the sport-fish populations are believed to be sufficient to support limited angling. The concern is that current unlimited harvest regulations may jeopardize the ability of the populations to rebound in the future. Tilapia, the other popular sport fishery has also exhibited declines in numbers, however, these declines are not considered at a level to warrant angler harvest reductions at this time.

In 1999, an investigation of Salton Sea fisheries was undertaken by contractors to the Salton Sea Authority, under a grant from the U.S. Environmental Protection Agency. This was done at a time when fish were plentiful, both as sport fish and as forage for piscivorous birds. Using gill nets as a sampling tool, the average catch per unit effort (CPUE) during the summer was tilapia 55.0, Gulf croaker 8.0, and orangemouth corvina 2.0 fish/net-hour. By 2002, these numbers had declined to tilapia 0.1, Gulf croaker 6.2, and orangemouth corvina 0.1 fish/net-hour.

The Department has replicated the protocol of this sampling effort quarterly since the Spring of 2003. CPUE during the first protocol sampling effort for Gulf croaker, orangemouth corvina, and sargo was 0.4, 0.04 and 0 fish/net-hour, respectively. No individuals of these species were netted in the four subsequent sampling periods. Tilapia were sampled during each of the Department's five sampling periods, for an overall CPUE of 0.25 fish/net-hour.

Harvest of immature fish can have a disproportionate negative impact on population levels, if it limits recruitment, and this is the basis for the current size limit on orangemouth corvina in the Salton Sea. However, the other sport-fish species are sexually mature at a smaller size, and consequently only adults are considered worth keeping by anglers. We do not believe that a size limit on these fish is needed to insure recruitment of immature fish into the breeding population. Currently, however, immature croaker and sargo can be harvested for bait. Removing the provision which allows sargo and Gulf croaker (*Bairdiella*) to be used as bait fish in the Colorado River District will remove an additional possible negative impact on recruitment.

A daily bag limit is the most direct and effective means of reducing angler impacts while maintaining fishing opportunities when population levels are low. In addition, since many Salton Sea anglers come from outside the area to fish, it is reasonable to accommodate anglers visiting the Sea for more than a day by allowing a two-day bag limit in possession for all species.

A minor change is proposed to be made to subsection (c) of Section 4.15 for clarity.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 205, 215 and 220, Fish and Game Code.

Reference: Sections 200, 205, 215, 2930, 2931 and 2932, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change: None.

- (d) Identification of Reports or Documents Supporting Regulation Change: None.

- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The 45-day review period is adequate time for public comment prior to adoption.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change: No alternatives were identified.
- (b) No Change Alternative: The changes are necessary to safeguard the recovery of Salton Sea sport fisheries.
- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial

determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation is intended to preserve angling opportunities while safeguarding fish populations, and is not expected to impact businesses associated with sport fishing.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Other Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Informative Digest/Policy Statement Overview

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Because of declining populations of corvina, croaker and sargo, the Department is proposing to limit the sport harvest of corvina to two per day, and limit the harvest of croaker and sargo to six of each species per day. Possession limits for all species are proposed to include two daily bag limits. The proposed action is requested to prevent significant sport harvest from jeopardizing current and planned restoration activities for the Salton Sea and its sport fisheries while continuing to provide angling opportunities.

Additionally, to further reduce harvest impacts on immature croaker (*Bairdiella*) and sargo populations in the Salton Sea, the Department is proposing to eliminate the use of these species for bait purposes within the Colorado River Fishing District.

A minor change is proposed to be made to subsection (c) of Section 4.15 for clarity.